

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**IN RE: Mary Elizabeth Bruce,
Debtor.**

**CASE NO.: 08-74055-SCS
Chapter 13**

MOTION TO SELL REAL ESTATE

TO THE HONORABLE STEPHEN ST. JOHN:

COMES NOW Mary Elizabeth Bruce, Debtor, by counsel and moves the Court for authority to sell real estate, and in support thereof states as follows:

- 1) Debtor filed her above case on November 29, 2008.
- 2) Debtor filed her original Chapter 13 plan on December 1, 2008, and it was confirmed on March 24, 2009.
- 3) Debtor's Amended Chapter 13 Plan was filed on November 23, 2011 and confirmed on January 17, 2012.
- 4) Debtor desires to sell the real estate located at 145 Gene Avenue, Suffolk, VA. 23434 to Joshua Secrest, the terms of which are as follows:

Summary of Borrowers Transactions:

- | | | |
|----|---------------------------------|---------------------|
| a. | Contract Sales Price: | \$190,000.00 |
| b. | Settlement Charges to Borrower: | \$3,100.86 |
| c. | Gross Amount due from Borrower: | \$193,100.86 |

Amounts Paid by or in Behalf of Borrower:

- | | | |
|----|------------------------------|---------------------|
| a. | Earnest Money: | \$500.00 |
| b. | Principal Amount of New Loan | \$190,000.00 |
| c. | Seller Paid Closing Costs | \$9500.00 |

Adjustments for items unpaid by Seller: (None)

Total paid by/For Borrower	\$200,000.00
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4) The legal description of the subject property, located at 145 Gene Avenue, Suffolk, VA 23434, is as follows:

ALL THAT certain lot, piece or parcel of land with the buildings and improvements thereon, situate, lying and being in the City of Suffolk, Virginia, being known, numbered and designated as Lot 76, as shown on that certain plat entitled, "Maple Hill, Section 3", which said plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia, in Map Book 13, page 23.

5) The Debtor believes that selling the real estate is necessary and proper, that the she will net proceeds of sale in the approxiamate amount of \$4,346.13, which proceeds will be contributed as additional funding to her Chapter 13 plan. The Debtor has negotiated a "sale" of the subject property, which she will surrender.

6) The Debtor will payoff the first Mortgage to Ocwen Mortgage in the approximate amount of \$126,686.95 with the proceeds of the sale. Debtor will payoff the Second Mortgage to Green Tree Mortgage in the approximate amount of \$35,100.27.

7) Out of the proceeds of the sale the following closing and other incidental costs will be paid, & subject to incidental modifications:

Seller Transactions:

a. Contract Sales Price:	\$190,000.00
b. Gross Amount due the seller	\$190,000.00

Reduction in Amount Due to Seller:

1. Settlement Charges to Seller:	\$14,366.65
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Itemization of Charges to Seller:

a. Commission	\$11,400.00 (5700/5700)
b. Brokerage Fee	\$250.00

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c. Certification of Title	\$195.00
d. Document Prep	\$100.00
e. Closing Fee	\$650.00
f. Grantors Tax	\$190.00
g. Termite Report	\$55.00
h. Express Mail/Wire Fee	\$60.00
i. Real Estate Taxes Due	\$866.21
j. Storm Water/Refuse Due	\$136.44
k. Home Warranty	\$464.00
Total Charges to Seller:	\$14,366.65
2. Payoff First Mortgage-OCWEN Mtg	\$126,686.95
3. Payoff Second Mtg – Green Tree	\$35,100.27
Gross Amount due the Seller	\$ 190,000.00
Total Reduction amount due Seller:	\$ 185,653.00
Proceeds due Seller to be paid to R. Clinton Stackhouse, Jr. Chapter 13 Trustee For additional funding of the Chapter 13 Plan:	\$ 4,346.13

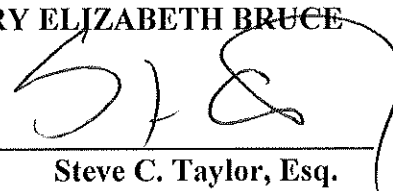
After closing occurs, Debtor will relocate from residence above referenced. Debtor will submit amended income and expense schedules and a modified plan if necessary, within 21 days from entry of this Order, reflecting current and anticipated income and expenses that exist after their relocation.

WHEREFORE, the Debtors respectfully request that her Motion to Sell Real Estate be granted as requested and for the purposes described above.

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RESPECTFULLY SUBMITTED,
MARY ELIZABETH BRUCE

BY:


Steve C. Taylor, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on this the 4th day of April 2013, I have transmitted a true copy of the foregoing document electronically through the Court's CM/ECF system to the Chapter 13 Trustee and the United States Trustee, by First Class Mail to the Debtor, and as to all other necessary parties, their agents, representatives or assigns, if provided other than by electronic means, service has been provided to those creditors in accordance with section 7004 of Title 11 of the United States Bankruptcy Code, as to all creditors, and/or their required agents and/or representatives that are included in the list of creditors below.


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EASTERN DISTRICT OF VIRGINIA
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**IN RE: Mary Elizabeth Bruce,
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**CASE NO.: 08-74055-SCS
Chapter 13**

NOTICE OF MOTION TO SELL REAL ESTATE

The Debtor has filed papers with the Court to sell her real estate. Your rights may be affected. You should read these papers carefully and discuss them with your Attorney, if you have one in this case. (If you do not have an Attorney, you may wish to consult one.)

If you do not want the Court to grant the Relief requested, or if you want the Court to consider your views on the Motion then you or your Attorney must file with the Court, on or before April 25, 2013, at the address shown below, a written response pursuant to Local Bankruptcy Rules 4001(a)-1(C) and 9013-1(H). You must mail your response to the Court for filing.

You must also mail a copy to:

**Clerk of Court
United States Bankruptcy Court
600 Granby Street
Norfolk, VA 23510**

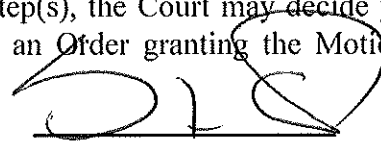
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**R. Clinton Stackhouse, Jr.
Chapter 13 Trustee
7021 Harbour View Blvd, Ste 101
Suffolk, VA 23435**

If you or your Attorney do not take the above step(s), the Court may decide you do not oppose the relief sought in the motion and may enter an Order granting the Motion without further notice or hearing.

Date: April 4, 2013



Steve C. Taylor, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on this the 4th day of April 2013, I have transmitted a true copy of the foregoing document electronically through the Court's CM/ECF system to the Chapter 13 Trustee and the United States Trustee, and by First Class Mail to the Debtor, and as to all other necessary parties, their agents, representatives or assigns, if provided other than by electronic means, service has been provided to those creditors in accordance with Rule 7004 of Title 11 of the United States Bankruptcy Code, as to all creditors, and/or their required agents and/or representatives that are included in the list of creditors below.



Steve C. Taylor, Esq.

Parties Noticed:

R. Clinton Stackhouse, Jr.
Chapter 13 Trustee
7021 Harbour View, Suite 101
Suffolk, VA 23325

Suffolk, VA 23434

Capital One
P.O. Box 70884
Charlotte, NC 28272

Office of Unites States Trustee
200 Granby Street, 6th Floor
Norfolk, VA 23510

Capital One
P.O. Box 30285
Salt Lake City, UT 84130-0285

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Chesapeake, VA 23322

Capital One (notice)
Richard D. Fairbank, CEO
1680 Capital One Drive
Mc Lean, VA 22102

Mary Elizabeth Bruce
145 Gene Avenue

GMAC Mort. (notice)
Corp Svc. Co., Reg. Ag.

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1111 E. Main St., 16th Fl.
Richmond, VA 23219

GMAC Mortgage/Ditech
P.O. Box 205
Waterloo, IA 50704-0205

Goodyear Processing Center
1144 E. Market Street
Akron, OH 44316

Green Tree
P.O. Box 6172
Rapid City, SD 57709

Green Tree Svcing (notice)
CT Corporation System, Reg. Ag
4701 Cox Road, Ste. 301
Glen Allen, VA 23060-6802

Home Furnishings Credit
c/o E J Sterlitz, President
5324 Virginia Beach Blvd.
Virginia Beach, VA 23462

Home Furniture
HaynesP O Box 12812
Virginia Beach, VA 23451

HomEq Servicing
P.O. Box 13716
Sacramento, CA 95853

Lowe's
P.O. Box 530914
Atlanta, GA 30353-0914

Lowe's Companies Inc. (notice)
Robert A. Niblock, CEO
1000 Lowe's Blvd.

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Mooresville, NC 28117

Macy's
P.O. Box 689195
Des Moines, IA 50368-9195

Macy's Northeast, Inc (notice)
Edward R. Parker, Reg. Agent
5511 Staples Mill Road
Henrico, VA 23228

Meridian Financial Solutions
PO Box 1410
Asheville, NC 28802

Ocean Sands
424 Atlantic Ave.
Virginia Beach, VA 23451

Ocwen
P.O. Box 6440
Carol Stream, IL 60197-6440
Ocwen Federal Bank, FSB (cert)
Attn: Bill Erby, CEO
2400 Lemoine Avenue
Fort Lee, NJ 07024

Ocwen Loan Servicing, LLC
Attn: Bankruptcy Department
1661 Worthington Rd Suite 100
West Palm Beach, FL 33409

Sears (notice)
Robert A. Sears, Jr., Reg. Ag.
PO Box 578
Appomattox, VA 24522
Sears Home Improvement
P.O. Box 183081
Columbus, OH 43218

Sears Mastercard
P.O. Box 6922

The Lakes, NV 88901-6922
SearsHolding Corp. (notice)

W. Bruce Johnson, CEO
3333 Beverly Rd.
Hoffman Estates, IL 60179

Wachovia Bank
c/o LM Baker, Jr., President
100 North Main St.
Winston Salem, NC 27101

Wachovia Dealer Services
P.O. Box 25341
Santa Ana, CA 92799-5341

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